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Attorneys for Plaintiff  
 HOLOGIC, INC., CYTYC CORPORATION and HOLOGIC LP

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

HOLOGIC, INC., CYTYC CORPORATION,  
 and HOLOGIC LP,

Plaintiff,

vs.

SENORX, INC.,

Defendant.

Case No. C08 00133 MEJ

**CIVIL LOCAL RULE 79-5(B) AND (C)  
 ADMINISTRATIVE MOTION TO FILE  
 UNDER SEAL CONFIDENTIAL  
 PORTIONS OF PLAINTIFFS' MOTION  
 FOR PRELIMINARY INJUNCTION AND  
 THE ENTIRE CONFIDENTIAL  
 SUPPORTING DECLARATION OF GLENN  
 MAGNUSON**

Date: March 20, 2008  
 Time: 10:00 am  
 Room: Courtroom B (15<sup>th</sup> Floor)  
 Judge: Hon. Maria-Elena James

1 PLEASE TAKE NOTICE that pursuant to Civil Local Rule 79-5(b) and (c), Plaintiffs Hologic,  
2 Inc., Cytac Corporation, And Hologic LP (Collectively, "Plaintiffs" or "Hologic") hereby move the  
3 Court for an administrative order to file under seal select portions of Plaintiffs' Motion For Preliminary  
4 Injunction and the entire Declaration of the Glenn Magnuson in Support of Plaintiffs' Motion For  
5 Preliminary Injunction.

6 Both the Motion For Preliminary Injunction and the supporting Declaration of Glenn  
7 Magnuson contain confidential Hologic business information. To date, the parties have not executed a  
8 Protective Order that governs how the confidential and proprietary information produced during  
9 discovery shall be treated by the parties. Accordingly, until such a Protective Order has been executed  
10 and entered by the Court, such confidential and proprietary materials are by operation of Patent Local  
11 Rule 2-2 deemed to be "Confidential-Attorneys Eyes Only" materials, unless otherwise agreed by the  
12 parties. In compliance with Northern District Civil Local Rule 79-5(B) and (C), Hologic wishes to  
13 withhold from the public versions of its papers that reference confidential business information.  
14

15 For the foregoing reasons, Hologic respectfully requests that the Court enter an order allowing  
16 Hologic to file under seal the entire Declaration of Glenn Magnuson In Support of Plaintiffs' Motion  
17 For Preliminary Injunction, as well as designated portions of Plaintiffs' Motion For Preliminary  
18 Injunction.  
19

20  
21 Dated: February 6, 2008

22  
23 By: /s/  
Katharine L. Altemus

24  
25 HOWREY LLP  
26 Attorneys for Plaintiffs  
27 Hologic, Inc., Cytac Corporation,  
and Hologic LP  
28

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 SAN FRANCISCO DIVISION

HOLOGIC, INC.,  
 CYTYC CORPORATION, and  
 HOLOGIC LP,

Plaintiffs,

vs.

SENORX, INC.,

Defendant.

) Case No. C08-00133-MEJ  
 )  
 ) **DECLARATION OF KATHARINE L.**  
 ) **ALTEMUS IN SUPPORT OF PLAINTIFFS'**  
 ) **CIVIL LOCAL RULE 79-5(B) AND (C)**  
 ) **ADMINISTRATIVE MOTION TO FILE**  
 ) **UNDER SEAL CONFIDENTIAL**  
 ) **PORTIONS OF PLAINTIFFS' MOTION**  
 ) **FOR PRELIMINARY INJUNCTION AND**  
 ) **THE ENTIRE CONFIDENTIAL**  
 ) **SUPPORTING DECLARATION OF GLENN**  
 ) **MAGNUSON**  
 )  
 )  
 )  
 ) **Date: March 20, 2008**  
 ) **Time: 10:00a.m.**  
 ) **Courtroom: B, 15<sup>th</sup> floor**  
 ) **Judge: Hon. Maria-Elena James**

I, Katharine L. Altemus, declare as follows:

1. I am an associate in the law firm Howrey LLP and a member of the Bar of this court,  
 and I serve as one of the outside counsel for Hologic, Inc., Cytac Corporation and Hologic LP

1 (collectively "Plaintiffs" or "Hologic"). The following declaration is based on my personal  
2 knowledge, and if called upon to testify, I could and would competently testify as to the matters set  
3 forth herein.

4 2. In support of Plaintiffs' Administrative Motion To File Under Seal Confidential  
5 Portions Of Plaintiffs' Motion For Preliminary Injunction And The Entire Confidential Supporting  
6 Declaration Of Glenn Magnuson, Hologic respectfully requests that the Confidential Version of  
7 Plaintiffs' Motion For Preliminary Injunction And The Entire Confidential Supporting Declaration Of  
8 Glenn Magnuson be maintained under seal.

9 3. Plaintiffs' Motion For Preliminary Injunction contains throughout its pages information  
10 that is internal, confidential and sensitive to Hologic and its employees, and the unprotected  
11 distribution of this transcript in its unredacted form to the general public could cause harm to Hologic  
12 and its employees.

13 4. The Declaration of Glenn Magnuson In Support Of Plaintiffs' Motion for Preliminary  
14 Injunction contains throughout its pages information that is internal, confidential and sensitive to  
15 Hologic and its employees, and the unprotected distribution of this transcript in its unredacted form to  
16 the general public could cause harm to Hologic and its employees.

17 I declare under penalty of perjury that the foregoing is true and correct.

18  
19 Dated: February 6, 2008

HOWREY LLP

20  
21 By: /s/  
22 Katharine L. Altemus

23  
24 HOWREY LLP  
25 Attorneys for Plaintiffs  
26 Hologic, Inc., Cytoc Corporation,  
27 and Hologic LP  
28

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SAN FRANCISCO DIVISION

HOLOGIC, INC.,  
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HOLOGIC LP,

Plaintiffs,

vs.

SENORX, INC.,

Defendant.

) Case No. C08-00133-MEJ  
)  
) **[PROPOSED] ORDER GRANTING**  
) **PLAINTIFFS' ADMINISTRATIVE**  
) **MOTION TO FILE UNDER SEAL**  
) **CONFIDENTIAL PORTIONS OF**  
) **PLAINTIFFS' MOTION FOR**  
) **PRELIMINARY INJUNCTION AND THE**  
) **ENTIRE CONFIDENTIAL SUPPORTING**  
) **DECLARATION OF GLENN MAGNUSON**

) **Date: March 20, 2008**  
) **Time: 10:00a.m.**  
) **Courtroom: B, 15<sup>th</sup> floor**  
) **Judge: Hon. Maria-Elena James**  
)  
)  
)

**[PROPOSED] ORDER**

The Court, having considered Plaintiffs' Administrative Motion To File Under Seal Confidential Portions Of Plaintiffs' Motion For Preliminary Injunction And The Entire Confidential Supporting Declaration Of Glenn Magnuson, finds that good cause exists pursuant to Civil L.R. 79-5 for the Motion and hereby orders that the Motion is GRANTED in its entirety.

The clerk shall maintain under Seal the Confidential Versions Of Plaintiffs' Motion For Preliminary Injunction and the Declaration of Glenn Magnuson In Support Of Plaintiffs' Motion For Preliminary Injunction.

It is SO ORDERED.

Dated: \_\_\_\_\_, 2008

\_\_\_\_\_  
Maria-Elena James  
United States District Court Judge

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vs.

SENORX, INC.,

Defendant.

) Case No. C08-00133-MEJ

) **PROOF OF SERVICE**

) **Date: March 20, 2008**

) **Time: 10:00a.m.**

) **Courtroom: B, 15<sup>th</sup> floor**

) **Judge: Hon. Maria-Elena James**

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action. My business address is 525 Market Street, Suite 3600, San Francisco, California 94105.

On February 6, 2008, I served on the interested parties in said action a true copy of:

**CIVIL LOCAL RULE 79-5(B) AND (C) ADMINISTRATIVE MOTION TO FILE UNDER  
 SEAL CONFIDENTIAL PORTIONS OF PLAINTIFFS' MOTION FOR PRELIMINARY  
 INJUNCTION AND THE ENTIRE CONFIDENTIAL SUPPORTING DECLARATION OF  
 GLENN MAGNUSON**

**DECLARATION OF KATHARINE L. ALTEMUS IN SUPPORT OF PLAINTIFFS' CIVIL  
LOCAL RULE 79-5(B) AND (C) ADMINISTRATIVE MOTION TO FILE UNDER SEAL  
CONFIDENTIAL PORTIONS OF PLAINTIFFS' MOTION FOR PRELIMINARY  
INJUNCTION AND THE ENTIRE CONFIDENTIAL SUPPORTING DECLARATION OF  
GLENN MAGNUSON**

**[PROPOSED] ORDER GRANTING PLAINTIFFS' ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL CONFIDENTIAL PORTIONS OF PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION AND THE ENTIRE CONFIDENTIAL SUPPORTING  
DECLARATION OF GLENN MAGNUSON**

☒ (MAIL) I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

☒ (eMAIL) I am readily familiar with this firm's practice of serving documents via electronic mail. Under that practice, today I will send via my business email address a copy of each document listed herein as an attachment to the email address(es) listed below.

F.T. Alexandra Mahaney  
WILSON SONSINI GOODRICH & ROSATI  
12235 El Camino Real, Suite 200  
San Diego, CA 92130-3002  
Gen: 858-350-2300  
Dir: 858-350-2311  
Fax: 858-350-2399  
[amahaney@wsgr.com](mailto:amahaney@wsgr.com)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 6, 2008, at San Francisco, California.

/s/

Grady Johnson